



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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(602) 771-2300 • www.adeq.state.az.us



Stephen A. Owens
Director

December 11, 2003

Dear Vehicle Owner:

This is a follow-up to my October 30, 2003, letter to clarify the intent of Arizona Revised Statutes (ARS) § 49-542.F.7 and provide some specific alternatives available for compliance with this law. This law was enacted in 1996 by the Arizona Legislature as one of the control strategies to improve the air quality in Maricopa County. The engine specifications enacted by the Arizona Legislature are designed to assure that heavy duty diesels registered and operated in Area A meet basic tailpipe standards. The tailpipe standards are designed to limit emissions of carbon monoxide, oxides of nitrogen, hydrocarbons, and particulate matter, all of which contribute to unhealthful air. This letter is also available on line at: <http://www.adeq.state.az.us/environ/air/vei/index.html>. The Arizona Revised Statutes referenced in the letter are available online at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

Please note that the emissions testing stations will accept vehicles affected by this law for testing through December 31, 2003. Vehicles can be registered if they receive an emissions test performed 90 days or less before the vehicle's registration expiration date; that is to say that any vehicle with a re-registration deadline between January 1 and March 31, 2004 will be accepted for testing in December 2003 under Arizona's current law. You are encouraged to take advantage of this option and obtain an emissions test in December if you are within 90 days of your vehicle's registration expiration date.

Attached to this letter are responses to the following frequently-asked questions:

1. ARS § 49-542.F.7 states the law applies to diesel-powered vehicles with a gross vehicle weight more than 26,000 pounds. My vehicle is registered at 26,000 pounds. Does the law apply to my vehicle?
2. What is the size of the applicable area?
3. Does the law provide for any exemptions or waivers?
4. Do I have to replace my engine to comply with the law?
5. How will the law be enforced?
6. Why does the engine have to be changed/modified if it already passes the emissions inspection?
7. How do I show compliance?
8. What if I have ordered parts, but they haven't arrived; or I'm on a waiting list to have the engine updated but can't get it done by the registration deadline?

I hope the information that follows is helpful. If you have any questions regarding what documentation will need to be submitted to the Vehicle Emissions Inspection Section, please contact John Walls, Manager, Vehicle Emissions Inspection Section, at (602) 207-7027. You may also contact Theresa Pella, Air Quality Planning Section Manager, at (602) 771-2375.

Sincerely,

Nancy C. Wrona, Director
Air Quality Division

Enclosures

Vehicle Emissions Inspection, Phoenix
600 North 40th Street • Phoenix, AZ 85008
(602) 207-7000

Vehicle Emissions Inspection, Tucson
4040 East 29th Street • Tucson, AZ 85711
(520) 628-6139

Frequently Asked Questions Regarding the Arizona Law Prohibiting Registration and Operation of Pre-1988 Heavy Duty Diesel Engines in Area A

Question 1: ARS § 49-542.F.7 states the law applies to diesel-powered vehicles with a gross vehicle weight more than 26,000 pounds. My vehicle is registered at 26,000 pounds. Does the law apply to my vehicle?

Answer: Owners with vehicles with a gross vehicle weight rating *greater than* 26,000 pounds must comply with this law. "Vehicle weight" for the purposes of this law is the gross vehicle weight rating (GVWR) assigned to the vehicle by the manufacturer (this information may be found in the title of the vehicle or in the VIN tag found on the door jamb), not the declared gross vehicle weight on the vehicle registration.

Question 2: What is the size of the applicable area?

Answer: Please see the enclosed the map of Area A.

Question 3: Does the law provide for any exemptions or waivers?

Answer: ARS § 49-542.F.7 only applies to vehicles required to pay a vehicle weight fee as part of registration. As such, vehicles operated by religious institutions, school districts, and municipalities would, in effect, be exempt (see ARS § 28-5432.C). In addition, some vehicles operated under alternative proportional registration agreements, per ARS § 28-2261, may be exempt. The law does not provide for any other exemptions or waivers.

Question 4: Do I have to replace my engine to comply with the law?

Answer: Not in all cases. In some cases, your current engine may meet the 1988 or newer engine standards. If it does, an endorsement to this effect is sufficient to obtain an emissions test and re-register your vehicle.

Question 4a: How do I get an endorsement for my vehicle?

Answer: First, an owner should contact the engine manufacturer to see whether the engine meets the Arizona standards as found in EPA regulations 40 Code of Federal Regulations § 86.088-11 (copy enclosed). If the manufacturer finds that the engine does meet the standards, the manufacturer can provide a letter or e-mail stating such to the owner who, in turn, can take it to the Vehicle Emissions Inspections (VEI) Section, Arizona Department of Environmental Quality, 600 North 40th Street, Phoenix, Arizona 85008. The VEI phone number is (602) 207-7000. If the manufacturer is unable to provide the required endorsement, the owner may request one from a local dealer or manager of a certified private workshop that is familiar with EPA's engine standards for 1988 and newer engines. Phone numbers and Web sites for engine manufacturers are listed below.

In other cases, it may be possible to modify or retrofit the engine to meet the EPA standards for engines of model year 1988 or a California Air Resources Board (CARB) standard. CARB has established diesel engine standards that are at least as stringent as the 1988 EPA engine standard. As a result any engine or retrofit that meets the CARB standard will be in compliance with Arizona laws. Some examples of what can be done include installing aftermarket devices that are compatible with a specific engine, such as an oxidation catalyst or a particulate filter. Engines that meet the EPA standard (40 CFR § 86.088-11) or CARB standard will be emission tested and may be re-registered.

Another option for bringing the engine into compliance would require merely replacing some parts in the engine. What is possible depends on the make and model year of the engine. Please contact the manufacturer for the engine by email or letter, or contact your dealer or certified workshop for more information about this option and to obtain an endorsement to submit to VEI. To find out more about your particular engine, the following websites and phone numbers may be helpful:

Detroit Diesel: http://www.detroitdiesel.com/Support/Service_Support/index.asp (732) 926-9622

International/ Navistar: http://www.navistar.com/site_layout/engine/index.asp (800) 448-7825

Mack: <http://www.macktrucks.com/default.aspx> (602) 258-4500

Caterpillar: <http://www.cat.com> (800) 343-7357

Renault: <http://www.renault-trucks.com> (602) 258-4500

Volvo: <http://www.volvo-truck.com> (800) 343-7357

Cummins: <http://www.cummins.com/na/pages/en/index.cfm> (602) 257-5927

Please contact the manufacturer of the engine installed in the vehicle, if it is not among the ones listed above. You may also find information by referring to the: "Engines – Diesels" section of the Yellow pages for the engine dealers.

For information regarding retrofits that have been certified by EPA, go to:

<http://www.epa.gov/otaq/retrofit/retroverifiedlist.htm>

For information regarding retrofits certified by CARB, go to:

<http://www.arb.ca.gov/diesel/verdev/verdev.htm>

Question 5: How will the law be enforced?

Answer: Through the emissions inspections program. In order to be registered, a vehicle owner must demonstrate compliance with the emissions inspection requirements by submitting to MVD the appropriate emissions inspection documents with the registration material. After January 1, 2004, if the VEI inspector, during an emissions inspection procedure on a heavy duty diesel vehicle, finds that the engine has not been brought up to 1988 or newer emissions standards, the vehicle will be denied the emissions test. Please keep in mind that an emissions test performed 90 days or less before the vehicle's registration expiration date will be accepted by MVD for registration purposes. So vehicles with registration due dates through March 2004 may be tested prior to January 1, 2004.

Licensed fleets may perform an emissions inspection on a fleet vehicle at any time prior to re-registration. Licensed fleets with vehicles affected by this law may test those vehicles by January 1, 2004. Those vehicles will be considered in compliance until the time for the vehicles' next re-registration.

Question 6: Why does the engine have to be changed/modified if it already passes the emissions inspection?

Answer: The Vehicle Emissions opacity test is different from the emissions tailpipe standards adopted by the Arizona Legislature in 1996. The opacity test, while very accurate at measuring the extent to which smoke blocks light, is only an indicator of the amount of smoke being emitted. It is designed to determine if an engine is in need of repair, but does not indicate if the engine can meet the standard set for a specific pollutant. Compliance with tailpipe emission standards adopted by Arizona (the standard is found at 40 CFR § 86.088-11, also enclosed) is based on the quantity of the different pollutants emitted by the engine - the weight in grams of particulate matter per brake-horsepower-hour of the engine. Engines and engine retrofits are certified based on a test procedure conducted by EPA or CARB, prior to

manufacturing. While the emission standard for particulates is a measure of the engine's inherent performance, the opacity test is but a snapshot of the engine's condition at the time of the test. In summary, an inherently high-polluting engine may be able to pass the Vehicle Emissions opacity test.

Question 7: How do I show compliance?

Answer: If the engine in a vehicle has been replaced with one that meets or exceeds the 1988 EPA standards, the plaque or the serial number on the engine would be proof of compliance.

If compliance is achieved through a retrofit or some other means, you will need to submit an endorsement (letter or e-mail) that shows your engine meets Arizona's engine certification standards (refer to Question 4). Prior to the vehicle being emissions tested in 2004, the endorsement must be submitted to the Vehicle Emission Inspection (VEI) Section at:

Vehicle Emissions Inspection Section
Arizona Department of Environmental Quality
600 North 40th Street
Phoenix, Arizona 85008

Please click on the following link for forms to be submitted for each scenario:
<http://www.adeq.state.az.us/environ/air/vei/index.html>

- A) Remanufactured engine
- B) Replaced parts
- C) Retrofitted engine
- D) Current engine meets 1988 or newer standards (40 CFR § 86.088-11)

Following its review of the documentation, the VEI Section will mail a compliance document to the vehicle owner, which must be presented at the time of the emissions test. In order to process information in a timely manner, please provide relevant information and documents to the VEI Section at least two weeks prior to the date when you plan on taking your vehicle for its emissions test.

Question 8: What if I have ordered parts, but they haven't arrived; or I'm on a waiting list to have the engine updated but can't get it done by the registration deadline?

Answer: If you've ordered parts, paid a deposit of at least 50 percent, and the order is backlogged, or if you have the parts but are on a waiting list to have the work done by a certified technician, you may apply for a Director's Certificate, under ARS § 542(J). In such cases, you will need to take the parts invoice showing the deposit was paid or a statement from the manager of the repair shop indicating when the work will be completed to the ADEQ Vehicle Emissions Inspection offices at 600 North 40th Street, Phoenix, Arizona. If the documentation meets these requirements, a director's certificate will be issued to you that day, which will be good for one year.